



December 17, 2009

During the present difficult economic circumstances being experienced by local jurisdictions, many potential Staffing for Adequate Fire and Emergency Response (SAFER) grant applicants have expressed concern regarding the prohibition against using SAFER funds to supplant local budgets and the Secretary's ability to waive the prohibition. DHS has revisited the existing policy on supplanting for the 2009 SAFER funding cycle. The Secretary has decided that DHS will consider petitions for waivers on supplanting from 2009 grantees on a case-by-case basis and under certain conditions:

2009 SAFER grantees that lose firefighters during the period of performance and find that they are unable to back-fill vacated firefighting positions due to documentable economic hardship may petition for a waiver. In order to qualify for this waiver, the economic hardship must affect the entire public safety sector in their jurisdiction, not merely the fire department.

The causes of the vacancies could include retirement, voluntary or involuntary separation, or calls to active duty in the reserves or National Guard.

In the absence of a granted waiver, the policies stated in the present guidance would still apply, i.e., vacancies caused by one of the circumstances cited in #2 above do not have to be replaced and will not cause a cancellation of the grant if not replaced. However, the amount of the allowable reimbursement of SAFER positions would be reduced by the number of vacated positions, not replaced. (Example – A grantee has 20 firefighters (FF's) and receives a SAFER grant for five more FF's. One of the 20 FF's retires and is not replaced. The grantee would then be eligible to receive reimbursement only for four FF's instead of the original five.)

The policy regarding the prohibition against layoffs has not changed. No waivers will be granted for layoffs and SAFER grantees are prohibited against laying-off any firefighters during the SAFER grant's period of performance.

We remind applicants that while the previous requirement that newly created positions be maintained for an additional one year past the period of performance, there is no requirement to maintain the positions past the period of performance for awards made to rehire vacated or laid off firefighters.

In order for all potential applicants to have sufficient time to consider this revised policy guidance, DHS will extend the 2009 SAFER application period. The new application deadline will be 5:00 p.m., Eastern Time, Friday, January 15, 2010. Applicants that have already submitted their application and wish to amend the application given this new policy guidance will be granted that opportunity. Applicants that wish to amend their submitted SAFER application should call the Help Desk at 1-866-274-0960.